

- 1) The amendment/preliminary amendment filed **7/09/2008** is acknowledged. Claims *10-20,22 and 25* have been canceled.
- 2) The **I.D.S** filed **5/15/2008** and **10/21/2008** have been considered by the Examiner. However, the foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form **PTO-1449** or **PTO/SB/08** is(are) attached herein.

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5) Claims *1,4,6,7,8,9 and 24* are rejected under 35 U.S.C. 102(e) as being anticipated by **MORITA et al ( JP, 2000-251442 A )**.

MORITA et al discloses method for detecting a data cartridge ( Fig.1, data cartridge 1 ) in a cartridge engaging assembly ( Fig.2, cartridge engaging assembly 7 ), as claimed in claim 1, comprising: emitting a signal from a signal emitter on the cartridge

engaging assembly into a chamber formed within the cartridge engaging assembly ( Fig.2, light 9a );

detecting at least a portion of emitted signal when the emitted signal is reflected from the data cartridge ( Fig.2, photodetector 9b );

generating output to indicate whether data cartridge is present in cartridge engaging assembly based on emitted signal that is reflected from the data cartridge ( Fig.2, controller 13 and discrimination circuit 11 based on the reflected signal from photodetector 9b for indicating the present of data cartridge 1 in cartridge engaging assembly 7; and

deciphering a color of data cartridge based on emitted signal that is reflected from the data cartridge to identify a type of data cartridge present in cartridge engaging assembly ( see paragraphs [0023] to [0026] of the Computer Translation. In this case, based on the colors of lid 3 ( yellow for low density recording, blue for high density recording or white for electronic data ) the controller 13 and discrimination circuit 11 using reflected signal from color sensor 9b to identify a type of data cartridge present in cartridge engaging assembly ).

As to claim 4, the feature of focusing signal (light beam ) for detection is inherent in every emitting detector.

System claim(s) 6 and 7 are drawn to the system corresponding to the method of using same as claimed in claim 1. Therefore, System claim(s) 6 and 7 are rejected for the same reasons of anticipation (obviousness) as used above.

As to claim 8, MORITA et al shows emitting means comprises light source ( Fig.2, light source 9a ).

As to claim 9, MORITA et al shows detecting means comprises a light detector ( Fig.2, photodetector 9b ).

As to claim 24, MORITA et al shows signal detector is adapted to detect a color of data cartridge ( Fig.2, color detector 9 ).

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention

dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8) Claims 2,3,5,21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over MORITA et al (JP, 2000-251442 A ).

MORITA et al discloses all the subject matter as claimed in claims 2 and 3, except to specifically show that the emitting signal is during start-up or power-up. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to modify the data cartridge detector by having signal (light) emits during start-up or power-up as claimed. The rationale is as follows: the color detector could be selected to operate at any desirable times and/or period depends on the design choice, for example, the color detector could selectively emit signal at loading process, at recording/reproducing processes, at start-up process or at power-up process. Obviously, one of ordinary skill in the art at the time of the invention was made would have been motivated to operate the color detector in MORITA et al's data cartridge detecting device during start-up or power-up as claimed.

As to claim 5, since the MORITA et al's data cartridge detecting device capable of detecting variously colors ( includes

white color ) for different purposes ( see paragraphs [0023] to [0026] of the Computer Translation ), thus, one of ordinary skill in the art at the time of the invention was made would have been motivated to modify the data cartridge detector for detecting the cleaning cartridge as claimed.

As to claims 21 and 23, to move the cartridge engaging assembly and mounted light emitter on computer board are old and widely used in recording/reproducing art ( every circuit board in recording/reproducing are considered as computer board ).

9) Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

10) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date

the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form **PTO-892** is attached herein.

12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN Xuan DINH** whose telephone number is **(571)272-7586**. The examiner can normally be reached on **MONDAY to FRIDAY** from **9:00AM to 5:00PM**.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the **Patent Application Information Retrieval (PAIR)** system. Status information for published applications may be obtained from either **Private PAIR** or **Public PAIR**. Status information for unpublished applications is available through **Private PAIR** only. For more

information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free). If you would like assistance from USPTO customer Service Representative or access to the automated information system, call **800-786-9191** (in USA or Canada) or **571-272-1000**.

/TAN Xuan DINH/  
Primary Examiner, Art Unit 2627  
October 22, 2008